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33
34 UNITED STATES DISTRICT COURT
35 DISTRICT OF NEVADA

36 ORACLE USA, INC., a Colorado corporation;
37 and ORACLE INTERNATIONAL
38 CORPORATION, a California corporation,
39 Plaintiffs,

40 v.

41 RIMINI STREET, INC. , a Nevada corporation;
42 SETH RAVIN, an individual,
43 Defendants.

44 Case No. 2:10-cv-0106-LRH-PAL

45
46 DEFENDANTS' MOTION FOR
47 LEAVE TO FILE UNDER SEAL
48 DEFENDANTS' OPPOSITION TO
49 EXCLUDE DEPOSITION
50 TESTIMONY OF PAUL SIMMONS
51 AND THE TESTIMONY, IN PART,
52 OF BROOKS HILLIARD

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, “Protective Order”), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin (“Rimini”) respectfully requests that the Court grant leave to file under seal portions of Defendants’ Opposition to Exclude Deposition Testimony of Paul Simmons and the Testimony, In Part, of Brooks Hilliard. A public, redacted version of Defendants’ Opposition to Exclude Deposition Testimony Of Paul Simmons and the Testimony, In Part, of Brooks Hilliard was filed on September 28, 2015.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as “Confidential Information” and as “Highly Confidential Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as “Confidential Information” or “Highly Confidential Information- Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Sealing portions of Defendants’ Opposition to Exclude Deposition Testimony of Paul Simmons and the Testimony, In Part, of Brooks Hilliard is requested because the document contains deposition testimony of Paul Simmons, which has been designated as “Confidential” under the terms of the Protective Order. The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to**

1 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating
2 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
3 Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party
4 reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis
5 supplied).

6 Thus, in identifying of Defendants’ Opposition to Exclude Deposition Testimony of
7 Paul Simmons and the Testimony, In Part, of Brooks Hilliard which contains Confidential or Highly
8 Confidential material, Rimini, as the designating party, contends that good cause exists for sealing
9 citations to the deposition testimony of Paul Simmons.

10 Rimini has submitted all other portions of Defendants’ Opposition to Exclude
11 Deposition Testimony of Paul Simmons and the Testimony, In Part, of Brooks Hilliard, for filing in
12 the Court’s public files, which would allow public access to the filings except for the documents
13 Oracle has designated as Highly Confidential. Accordingly, the request to seal is narrowly tailored.

14 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to
15 file portions of Defendants’ Opposition to Exclude Deposition Testimony of Paul Simmons and the
16 Testimony, In Part, of Brooks Hilliard to the same under seal.

17 DATED: September 28, 2015

SHOOK, HARDY & BACON

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31 *Rimini Street, Inc. and Seth Ravin*

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: /s/ Robert H. Reckers
Robert H. Reckers.

*Attorney for Defendants
Rimini Street, Inc., and Seth Ravin*

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4
5 ORACLE USA, INC., a Colorado corporation;
6 and ORACLE INTERNATIONAL
7 CORPORATION, a California corporation,

8 Plaintiffs,

9 v.

10 RIMINI STREET, INC. , a Nevada corporation;
11 SETH RAVIN, an individual,

12 Defendants.

13 Case No. 2:10-cv-0106-LRH-PAL

14 [PROPOSED] ORDER GRANTING
15 DEFENDANTS' MOTION FOR
16 LEAVE TO FILE UNDER SEAL
17 DEFENDANTS' OPPOSITION TO
18 EXCLUDE DEPOSITION
19 TESTIMONY OF PAUL SIMMONS
20 AND THE TESTIMONY, IN PART,
21 OF BROOKS HILLIARD

22 [PROPOSED] ORDER

23 Pending before this Court is Defendants Rimini Street, Inc. and Seth Ravin's
24 ("Rimini") Motion for Leave to File Under Seal Portions of Defendants' Opposition to Exclude
25 Deposition Testimony of Paul Simmons and the Testimony, In Part, of Brooks Hilliard. Federal Rule
of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court
documents for, inter alia, the protection of "a trade secret or other confidential research,
development, or commercial information." Fed. R. Civ. P. 26(c). Having considered Defendant's
Motion to Seal and good cause existing:

26 IT IS HEREBY ORDERED THAT: Defendants' Motion to Seal is GRANTED. The
27 Clerk of the Court shall file under seal portions of Defendants' Opposition to Exclude Deposition
28 Testimony of Paul Simmons and the Testimony, In Part, of Brooks Hilliard.

29 IT IS SO ORDERED.

30 DATED:

31 By: _____
32 Hon. Larry R. Hicks
33 United States District Judge